

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

In re Petition of

MOUSSY SALEM

FOR AN ORDER TO TAKE DISCOVERY
PURSUANT TO 28 U.S.C. §1782 FROM BENO
SALEM

Civil Action No.

***Ex Parte* Petition for Assistance in Aid
of a Foreign Proceeding Pursuant to
28 U.S.C. § 1782**

Pursuant to 28 U.S.C. § 1782, Petitioner Moussy Salem (“**Petitioner**”), by and through his undersigned counsel, respectfully submits this Petition to take discovery from Beno Salem, a resident of this District.

Petitioner seeks an order authorizing the issuance of subpoenas *duces tecum* and *ad testificandum* (together, the “**Subpoenas**”) to Beno Salem. This discovery is sought in aid of proceedings (“**English Proceedings**”) pending before the High Court of Justice, Business & Property Courts of England and Wales, Business List (ChD). The English Proceedings concern allegations by the Petitioner that Freddy Salem, Monline UK Limited, Salim Levy and Ezra Aghai engaged in a wrongful pattern of conduct that includes breaches of fiduciary duty, conspiracy, and fraudulent transfers.

As discussed in greater detail in Petitioner’s accompanying memorandum of law, this Petition: (1) meets the three statutory requirements set forth in 28 U.S.C. § 1782 for granting this application; and (2) satisfies the four discretionary factors annunciated by the Supreme Court in *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241, 247 (2004) for granting Petitioner’s application. Further, as Petitioner’s accompanying memorandum of law further describes, Section 1782 applications are routinely granted *ex parte*. See *Gushlak v. Gushlak*, 486 Fed. App’x 215,

217 (2d Cir. 2012) (“[I]t is neither uncommon nor improper for district courts to grant applications made pursuant to § 1782 *ex parte*. [A] respondent’s due process rights are not violated because he can later challenge any discovery request by moving to quash pursuant to Federal Rule of Civil Procedure 45(c)(3).”); *see also In re Ex Parte Application of FOURWORLD EVENT OPPORTUNITIES, FUND, L.P.*, 2022 WL 17156111, at *3 (S.D.N.Y. 2022).

WHEREFORE, Petitioner respectfully requests that the Court grant the Petition and authorize Petitioner to issue Subpoenas to Beno Salem in the form attached hereto as **Exhibit A**, and authorize Petitioner to issue additional subpoenas for the production of documents and/or depositions of Beno Salem as Petitioner reasonably deem appropriate, and as are consistent with the Federal Rules of Civil Procedure; and for the Court to retain jurisdiction over this matter for purposes of enforcing any subpoenas issued herein; and for such other and further relief as the Court deems just and proper.

Dated: New York, New York

April 18, 2023

Respectfully submitted,



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